

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CARRINGTON MORTGAGE SERVICES,
LLC,

Case No. 2:15-cv-01862-JAD-PAL

ORDER

Plaintiff,

v.

ABSOLUTE BUSINESS SOLUTIONS, LLC;
et al.,

Defendant.

Before the court is the parties' Stipulation to Extend Scheduling Order Deadlines (Dkt. #22). When the parties failed to submit a proposed discovery plan and scheduling order, the court entered a standard 180-day discovery plan and scheduling order on January 8, 2016, consistent with LR 26-1(e) calculated from Defendant Absolute Business Solutions, LLC's Answer (Dkt. #8) which was filed on October 22, 2015. The parties now seek to extend the deadlines beyond that deemed presumptively reasonable to allow the parties to "briefly delay" discovery against Defendant Estrella while the district judge considers Defendant Estrella's Motion to Dismiss (Dkt. #14) which was filed on November 30, 2015. The motion to dismiss is based on arguments the complaint fails to state a claim and the Plaintiff was required to participate in mandatory mediation pursuant to NRS 38.310.

Having reviewed the stipulation, motion to dismiss, and Carrington's response, the court finds the parties have not shown good cause for a 90-day extension. The district judge has denied similar motions to dismiss based on NRS 38.310. Although the district judge will decide the motion to dismiss, in evaluating the request for an extension the court is not satisfied that Plaintiff's claims involve the interpretation, application or enforcement of the HOA's CC&R's. Absolute has filed an answer, and the HOA will be required to engage in discovery about the

1 foreclosure at issue even if it is dismissed as a Defendant. The court will, however, grant the
2 parties relief from the existing discovery plan and scheduling order deadlines and enter another
3 180-day plan, calculated from the date of the motion to dismiss.

4 **IT IS ORDERED** that:

5 1. The parties' Stipulation for Extension of Time (Dkt. #22) is **DENIED** and the
6 following discovery plan and scheduling order dates shall apply:

7 a. Last date to complete discovery: **May 31, 2016.**

8 b. Last date to amend pleadings and add parties: **February 29, 2016.**

9 c. Last date to file interim status report: **March 29, 2016.**

10 d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2):
11 **April 28, 2016.**

12 e. Last date to disclose rebuttal experts: **April 28, 2016.**

13 f. Last date to file dispositive motions: **June 27, 2016.**

14 g. Last date to file joint pretrial order: **July 27, 2016.** In the event dispositive
15 motions are filed, the date for filing the joint pretrial order shall be suspended
16 until 30 days after a decision of the dispositive motions.

17 2. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto,
18 shall be included in the pretrial order.

19 3. Applications to extend any dates set by this discovery plan and scheduling order
20 shall, in addition to satisfying the requirements of LR 6-1, be supported by a showing of
21 good cause for the extension. All motions or stipulations to extend discovery shall be
22 received no later than **4:00 p.m., May 10, 2016**, and shall fully comply with the
23 requirements of LR 26-4.

24 DATED this 29th day of January, 2016.

25
26 
27 PEGGY A. LEEN
28 UNITED STATES MAGISTRATE JUDGE